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“I would love to see the data. It is hardly a job for a regulator [to collect data on ‘no-platforming’] The case is consistently made, and rightly, for equity, diversity and inclusion in relation to social background, gender, ethnicity, religion, age and disability. Should it not be made with similar vigour for diversity of perspective?....I see the speed with which some unfashionable ideas are condemned. I see the growing courage required to express certain ideas that are well within the law. And I see orthodoxies established and accepted which limit debate”.

This, in a nutshell, was the position of the first Chair of the Office for Students, Sir Michael Barber (*Oxford Magazine*, No. 430, 8th Week, HT 2021). His concerns are now being put to the test and come to a focus in the context of a particular development.

* * *

In the House of Lords the Education Minister, Baroness Barran, recently announced that: “The Office for Stu-

Free Speech — on whose say- so?

dents informed the Department for Education on November 11 that it has decided to open an investigation into whether the University of Sussex has met its obligations on academic freedom and freedom of speech.” She added: “No academic should have to fear for their personal safety, particularly as a consequence of expressing lawful views.... This incident demonstrates why this Government is pressing ahead with legislation to promote and defend freedom of speech on campuses.” Sussex University is now to be investigated for its possible fail-

ure adequately to support Kathleen Stock, a philosopher who has just resigned after long campaigning against her. As she described the background in a BBC interview:

“There’s a small group of people who are absolutely opposed to the sorts of things I say and instead of getting involved in arguing with me, using reason, evidence, the traditional university methods, they tell their students in lectures that I pose a harm to trans students...thus creating an atmosphere in which the students then become more extreme and much more empowered to do what they did”.

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...and much more

Labour peer Lord Hunt of Kings Heath responded to Baroness Barran:

"She has been vilified by colleagues, abused by students, unsupported by a union and really let down by a university, which was far too late to defend her. Other academics in many other universities are facing similar abuse, particularly women, for basically gender critical views. ... However much legislation you have, you need to have confidence in our universities to show some strength in defending their academics. What is the Government going to do about that?"

Lady Barran replied:

"He is absolutely right to condemn the abuse that many academics, particularly women, have suffered recently. [Restriction on lawful speech and academic freedom] goes against the fundamental principles of English higher education, ... The new Higher Education Freedom of Speech Bill, will strengthen existing freedom of speech duties and will address the gaps that exist within the current law, including the lack of a clear enforcement mechanism. ... That will bring with it clear consequences for providers and student unions who breach these new duties."

These legislative moves are being made at a time when there is a new broom sweeping the OfS. Nicola Dandridge (chief executive) is about to leave and a new Director of Fair Access and Participation was appointed last week. Lord Wharton, a 36-year old lawyer and Tony-bench peer, is the new Government-appointed Chair. He became Minister for the Northern Powerhouse in 2015 and was appointed Minister in the Department for International Development by Theresa May in 2016, but he lost his seat in 2017 and moved to the Lords in September 2020. He had been campaign manager for Boris Johnson's bid to lead the Conservative Party.

The investigation of the University of Sussex is being undertaken under the OfS's existing regulatory powers and ahead of the greater powers it would have under the Higher Education Freedom of Speech Bill – drafted well before the Stock resignation and now at Report stage – which include the creation in OfS of a 'Director for Freedom of Speech and Academic Freedom' to whom complaints about freedoms in universities will be directed. The Bill requires each provider to draw up a code of practice, the observance of which will be monitored by the OfS:

"The code of practice may deal with such other matters as the governing body considers appropriate. ... The governing body of a registered higher education provider must take the steps that are reasonably practicable for it to take (including where appropriate the initiation of disciplinary measures) in order to secure compliance with its code of practice."

Meanwhile, under its new Chair, the OfS has published a consultation on its principles and priorities (see Reminders). "Above the baseline, we believe that autonomous providers making their own decisions is the best way to ensure the sector can flourish and innovate", it says. By far the greater part of the consultation document concerns the familiar themes of access and 'standards', alongside suggestions of increasing OfS interventions in future. There is also much reference to free speech:

"We will respond to individual cases where a provider has failed to take steps to secure academic freedom and freedom of speech, ... We will undertake any necessary investigatory and enforcement activity using our existing powers.. We expect our investigatory and enforcement activity to increase as any new powers are implemented [following the new Act]"

* * *

What code of practice should we design in Oxford, if and when this is required under the new Act? At present our practices are guided by the brief, high-level principles laid down in the Statutes, themselves based on the wording of the 1988 Education Reform Act, while our Regulations incorporate the anti-discrimination provisions specified in the Equality Act 2010, which include protection of 'philosophical beliefs'. But in recent years the realities of academic life have changed; as the Stock case illustrates, universities are now struggling to address the problems surrounding the so-called 'culture wars'.

Now it is all too easy to trigger grievance procedures which can result in disciplinary measures including dismissal. The problem is that the investigatory processes – and to a degree the judgements – on which such matters rest are to a significant extent in the hands of administrators and, because of the necessary confidentiality requirements, unseen and unaccountable. When it comes to similarly value-laden decision-making concerning financial donations to the University we have a central vetting committee, the Committee to Review Donations and Research Funding. We surely need something similar when it comes to the value-laden judgements that need to be made as problems arise in the context of free speech controversies.

But we will need something more; a requirement that such a committee refers guiding matters of principle – and even the more difficult disciplinary decisions – to Congregation. This final step is crucial; as the Stock case reveals, the defining of limits to acceptable expressions of opinion or belief is a matter primarily for academics, rather than students. Moreover, that setting of limits must ultimately be overseen and supported by a consensus democratically representative of academics as a whole. Only fearless deliberation in an open forum like Congregation will allow this.

The politicisation of free speech in which the OfS is now embroiled is perhaps an even greater threat to free speech than the cultural problems in universities themselves. Under the new powers that the new Act will give the OfS the government could, in effect, impose its own values on universities. Experience suggests that in the end only universities can work out practicable solutions for universities. That is not just their mission and expertise: through the cultivation of debate and broadening of minds it is their essence.

T.J.H



Reminders



*The following extracts are taken from the current OfS 'Consultation on OfS strategy for 2022-25' - * eds*

Forward

Three and a half years since our public launch, this consultation on our new strategy marks a significant milestone for the Office for Students (OfS).

During our first years of operation, we focused on establishing ourselves as the independent regulator for higher education in England, adding more than 400 diverse universities and colleges to our Register. We are now consulting on proposals for our second strategy, which will run from April 2022 to April 2025.

The new strategy proposes two central priorities for our work: quality and standards, and equality of opportunity. It signals a step change in our focus and impact.

Ensuring that all students can benefit from a high quality academic experience has to be core to what we do. We can be proud of much of the higher education on offer in England, and for those universities and colleges we will seek to reduce regulatory burden so they can flourish in doing what they do so well, unencumbered by unnecessary bureaucracy. But for those universities and colleges that are letting students down by providing inadequate teaching and support, leading to weak outcomes, we will be uncompromising in intervening and imposing robust sanctions. We have already embarked on this mission during the current strategy – the proposals set out in our recent quality and standards consultations will enable us to crackdown on providers where quality simply is not good enough.

Quality education is not possible without equality of opportunity. All students, whatever their backgrounds, should be able to unlock their potential through higher education. If students from disadvantaged backgrounds are recruited onto poor quality courses that provide weak graduate outcomes, we are failing them. As well as the impact of socioeconomic status, we will consider the impact of broader factors, including geographic inequality and how we can maximise engagement with schools to improve students' opportunities to attend and thrive. Over the course of the next year, we will look forward to welcoming our new Director for Fair Access and Participation who will lead our work in this area.

These proposals position quality and standards and equality of opportunity at the centre of the OfS's work. Within these broad, interrelated areas there are several more specific priorities, not least tackling harassment, and student mental health and wellbeing. Students have faced unprecedented challenges during the course of the last year due to the pandemic, and universities and colleges will need to ensure they are provided with the support they need to succeed.

This consultation proposes a framework for our work over the next three years. We are keen to hear from everyone with an interest in higher education and its effect on society. Do please read it and let us know what you think.

Lord Wharton of Yarm
Chair of the Office for Students

The OfS's regulatory approach

22. Our approach is based on a set of minimum expectations that we refer to as the 'regulatory baseline'.

What is the 'regulatory baseline'?

The regulatory baseline is a set of regulatory expectations that represent the minimum performance to which students and taxpayers are entitled. The baseline is predominantly expressed through our conditions of registration and all providers are required to satisfy these. We also use statements of expectation and other tools to express this minimum level of performance from providers to which students and taxpayers are entitled.

23. We regulate by reference to our regulatory baseline: taking action to ensure providers' compliance with it, and incentivising and influencing providers to go beyond these minimum expectations, for instance in relation to access and participation and the Teaching Excellence and Student Outcomes Framework (TEF). Where it is proportionate to do so, we prevent providers operating below the baseline from accessing public money and other benefits.

24. During the next strategic period, our work will be strongly focused on ensuring that providers are meeting these expectations. Performance that falls below our regulatory baseline fails students, who contribute through their time, effort and fees. It fails taxpayers, who support a significant investment of public funds through grants and subsidised loans. It also fails to deliver the objectives set out in our regulatory framework.

25. We use a range of regulatory approaches to secure compliance with the baseline: setting clear expectations for compliance with our conditions of registration; taking proportionate action to secure compliance with this baseline, escalating enforcement action where it is breached; and intervening where a provider is at risk of dropping below it. We also communicate information and use influence to incentivise compliance with the baseline.

26. Where it is proportionate to do so, we regulate to ensure that providers cannot continue to access student loan funding, grant funding, and degree awarding powers, if their performance falls below this baseline.

27. In regulating providers against this baseline, we use a risk-based and proportionate approach. This means that we prioritise and act according to the risk posed to students and taxpayers, and that our interventions are proportionate to that regulatory risk. This approach enables us to minimise burden on providers where possible: providers that represent low risk to students and taxpayers will experience lower regulatory burden.

28. Above the baseline, we believe that autonomous providers making their own decisions is the best way to ensure the sector can flourish and innovate. We do not prescribe how universities and colleges should operate beyond our minimum requirements, and most of our activity will be designed to ensure that providers meet these expectations.

29. We will, however, influence and incentivise providers to perform beyond our minimum requirements over the next strategic period. Student choice has a significant role in shaping the sector to respond to students' needs and goals: effective information, advice and guidance plays a major role in driving high quality outcomes. We will therefore take steps to ensure that students and their advisers

ers have access to relevant and targeted information to inform their choices about whether, what and where to study.

30. We will also use other methods. For instance, in using our funding powers to incentivise certain outcomes or through such mechanisms as the TEF.

31. We believe the best way to deliver our regulatory objectives is to employ a broad range of regulatory tools. These are set out in HERA and described in more detail in the regulatory framework, and include:

- Setting regulatory standards and monitoring whether these are satisfied in practice.
- Taking enforcement action where requirements expressed in a condition of registration are breached, such as monetary penalties, suspension, deregistration.
- Imposing additional monitoring requirements or specific ongoing conditions of registration so we can better understand and mitigate specific risks.
- Publishing information about providers' performance and our regulatory interventions to incentivise compliance.
- Publishing information and advice to support students to make the right higher education choices for them, the economy and society.
- Communicating expectations to influence provider behaviour.
- Sharing evidence and information to highlight effective and innovative practice.
- Distributing funding in line with government priorities and to support our own strategic priorities.

32. Most of these tools can be used to ensure providers' compliance with the baseline, and to incentivise providers to go beyond these minimum expectations.

33. The effectiveness of this strategy depends on our ability to engage with and listen to students, providers, and other groups such as employers. We will seek to engage closely with our many stakeholders – such as UKRI with which we share many common objectives including the wellbeing of postgraduate research students. Throughout the new strategy we will also continue to work closely with our counterparts in Scotland, Wales and Northern Ireland, to ensure close and effective liaison on areas of common interest.

34. Ultimately, we consider this approach to be the best way to meet our objectives and succeed in our mission – creating a higher education sector in which all students with the ability and desire to undertake higher education can access, succeed in and progress from higher education. This approach means students are increasingly able to trust that the provider at which they choose to study has met our minimum requirements – including on quality, commitment to advancing equality of opportunity, and protecting their rights as consumers. They can also have confidence that we are influencing providers to go beyond this minimum baseline and to offer exceptional higher education....

Annex B: Further information on proposal 1 (OfS strategy for 2022 to 2025)

What are we proposing and why?

1. We set out our proposed strategy for the OfS in 2022 to 2025 in proposal 1. It includes the following elements: we first set out our overall mission and our primary regulatory objectives – these are the long-term aims we are seeking to achieve as an organisation....

Areas of focus

We set out our areas of focus for 2022 to 2025. These are quality and standards and equality of opportunity. These two areas are

closely linked and interdependent. Ensuring rigorous quality and standards means that all students – including those targeted through efforts to improve equality of opportunity – receive a high quality education. Quality and standards are not truly being upheld if they only apply to a subsection of the student population. Advancing equality of opportunity will also increase the number of students that benefit from high quality provision.

5. In proposing to focus our activities in these areas, we have had regard to our general duties under s.2 of HERA. In particular we have had regard to: (1) the need to promote quality and greater choice and opportunities for students (under s.2(1)(b)); and (2) the need to promote equality of opportunity in connection with access to and participation in higher education (under s.2(1)(e)). In addition, we have noted that HERA requires the OfS to have in place a mandatory access and participation plan condition for certain institutions (s.12) and that it identifies quality and standards as an area we may in particular regulate using our conditions (s.13). HERA further sets out our duties and powers, and other provisions, in respect of quality and standards (ss. 23-28) and access and participation (ss. 29-37).

6. We have chosen to focus on these two areas because we believe that doing so is an effective way of achieving our primary regulatory objectives. These two areas closely connect to all the objectives, and therefore we consider progress in them will advance our objectives more than any other areas of focus.

7. These areas of focus connect to our primary regulatory objectives¹⁴ in numerous ways, including:

- Objective 1 – Upholding quality and standards will support all students to succeed in and progress from higher education, regardless of their background. Promoting equality of opportunity will help to ensure that all students with the ability and desire to undertake higher education, rather than a narrow subset, are supported to access, succeed in, and progress from higher education.
- Objective 2 – Our focus on quality and standards aims to ensure that students receive a high quality academic experience. Promoting equality of opportunity will extend this to all students, so that they all receive this high quality experience, regardless of their background or other characteristics.
- Objective 3 – Our focus on ensuring quality and standards will, by definition support students, from all backgrounds, to progress into employment, further study, and fulfilling lives. Our focus on promoting equality of opportunity seeks to secure these benefits of higher education for all students, regardless of their background. If we successfully ensure standards are upheld, qualifications will hold their value over time.
- Objective 4 – Fulfilling objectives 1, 2 and 3 will help to ensure that the English higher education system demonstrates value for money for students and the taxpayer. It is through these objectives that our focus on quality and standards and equality of opportunity will support our objective on value for money.

8. We have also chosen to focus on these areas because they are of particular importance to achieving our primary regulatory objectives, and have become even more important in the context of the ongoing coronavirus pandemic. For example, on quality and standards, the pandemic has seen many changes to the method and practice of teaching. In some cases, students have raised concerns about the quality of the digital teaching and learning they received. Relatedly, improving equality of opportunity is of particular importance given the extensive disruption to learning in schools and the potential for access and attainment gaps to widen as a result. Focusing on equality of opportunity will also help to ensure that we realise

the gains of our existing work on access and participation plans that were started in 2019-20.

Goals

9. Finally, we set out our goals for this strategic period. These goals are the specific outcomes we will seek to achieve from 2022 to 2025. We will use ‘the OfS’s regulatory approach’ as we deliver these goals. In other words, the goals set out what we want to achieve in the next strategic period, and the regulatory approach sets out the parameters for how we will achieve it. Reaching these goals will drive forward progress on equality of opportunity and quality and standards (our two areas of focus for 2022 to 2025). They are split into three groups: (1) quality and standards, (2) equality of opportunity, and (3) enabling regulation. The third category refers to activities that we need to maintain or advance so that we can continue to regulate effectively and deliver progress in the first two areas.

10. In the category of quality and standards, we have identified four goals. Our first goal is that ‘students receive a high-quality academic experience that improves their knowledge and skills, with increasing numbers receiving excellent provision’. This is directly relevant to the quality and standards of the higher education students receive. It will support student’s progression and improve their employability.

11. Our second goal is that ‘students are rigorously assessed, and the qualifications they are awarded are credible and comparable to those granted previously’. This is relevant to quality and standards because assessment plays an important role in quality. To maintain standards, students must be rigorously assessed, and qualifications awarded should be credible and comparable to those granted previously so that they hold their value over time.

12. Our third goal in this category is ‘Providers secure free speech within the law for students, staff and visiting speakers’. This is relevant because free speech – for example through open academic debate – is a necessary component of high quality higher education. It exposes students to new ideas and allows existing schools of thought to be challenged.

13. Our fourth goal is that ‘Graduates contribute to local and national prosperity, and the government’s ‘levelling up’ agenda.’ It is our view that part of what signifies quality in higher education is that graduates can contribute to local and national economic prosperity by securing successful outcomes, which enable them to progress into employment and/or further study. We also take the view that promoting the government’s ‘levelling up’ agenda as part of our regulatory work in relation to quality and standards will have a positive socio-economic impact. In particular, this will help in addressing and mitigating regional economic disparities of current and prospective students. It will serve the interests of students and the wider public through students’ contributions to local and national economies. We note that our fourth goal, in particular in relation to the government’s ‘levelling up’ agenda, overlaps with the category of ‘equality of opportunity’ and intersects in particular with one of our strategic goals under that category – ‘Students’ access, success and progression are not limited by their background, location or characteristics’. This reflects the mutually reinforcing nature of the two areas of quality and standards and equality of opportunity which we discuss further in the text of our proposed new strategy.

14. In the category of equality of opportunity, we have identified four goals. Our first goal is that

‘Students’ access, success and progression are not limited by their background, location or characteristics’. This goal will support our focus on equality of opportunity for this strategy by addressing some of the main barriers that prospective and current students face in accessing and participation in higher education. In seeking to achieve progress on this goal we will take an outcomes-based

approach that focuses on demonstrating that our regulation is leading to improvements to equality of opportunity over time. This will ensure that we are using our resources and those of providers efficiently and effectively.

15. Our second goal is that ‘Prospective students can choose from a diverse range of courses and providers at any stage of their life, with a wide range of flexible and innovative opportunities’. It advances equality of opportunity because innovative and flexible learning, and diversity of choice will mean that students are better able to choose and access higher education that suits and is adaptable to their needs at the time that is convenient in their lives.

16. Our third goal is that ‘Providers act to prevent harassment and sexual misconduct and respond effectively if incidents do occur’. Experiences of harassment or sexual misconduct can negatively impact on student access, success and progression. This can then result in barriers to equality of opportunity, particularly given that data shows that students with certain protected characteristics including but not limited to race, religion or belief, sex and sexual orientation, may be at particular risk of experiencing harassment, or sexual harassment. Ensuring that providers have effective policies, procedures and practices in place to prevent harassment and sexual misconduct will mitigate that risk.

17. Our fourth goal is that ‘Providers encourage and support an environment conducive to the good mental health and wellbeing that students need to succeed in their higher education’. Students with certain protected characteristics, including but not limited to race, religion or belief, sex and sexual orientation, may be at particular risk of experiencing poor mental health. If students are supported, this will put them in a stronger position to access, succeed in and progress from higher education.

18. In the category of enabling regulation, we have identified three goals. ‘Enabling regulation’ refers to areas of our work that are necessary for the higher education system to operate effectively. These areas directly support our ability to deliver regulation that protects the interests of students and taxpayers. The areas of work included in this category also support the delivery of our regulatory objectives and the areas of focus set out in this strategy of quality and standards and equality of opportunity.

19. The first goal is that ‘Providers are financially viable and sustainable and have effective governance arrangements’. This aims to ensure that providers have the financial resources and governance arrangements to meet their obligations, including to their students. This protects the interests of current and prospective students and taxpayers by mitigating the risk of providers exiting the market, which otherwise could disrupt and adversely impact the continuity of students’ higher education. Financial sustainability and effective governance in a provider are also necessary prerequisites for the provider to be able to deliver on the two areas of focus identified in this strategy (quality and standards and equality of opportunity) – without funds or proper management, providers couldn’t operate at all.

20. Our second goal in this category is that ‘Students receive the academic experience they were promised by their provider and their interests as consumers are protected before, during and after their studies’. This supports our work on quality and standards because effective consumer protection must exist to ensure that students receive the high quality education they were promised. Also, for autonomous providers to be incentivised to provide students what they were promised, and to deliver high quality higher education, students’ rights as consumers need to be protected. We have set out in the proposed strategy that we intend to consult on an updated approach to protecting the interests of students as consumers in the first year of the new strategy if taken forward.

21. Our final goal in this category is that ‘The OfS minimises the regulatory burden it places on providers, while ensuring action is effective in meeting our goals and regulatory objectives’. This is aimed

at reducing regulatory burden and minimising bureaucracy. It also supports our work on both quality and standards and equality of opportunity, because excessive regulatory burden will limit providers' ability to make progress in these areas.

What would be the effect of this proposal?

22. For providers, the effect of our proposed regulatory approach, which focuses on securing compliance with our minimum requirements, will be that high-performing providers that comfortably meet our minimum requirements will experience lower regulatory burden. Conversely, we expect that our proactive approach to identifying courses and providers that may not satisfy our minimum requirements (especially in relation to quality and/or the rigour of their assessment and awarding practices) will result in an increase in our investigative and enforcement activity. As a result, courses that do not meet our requirements will be improved or closed.

23. Students will typically see an improvement in provision and in their experience overall, with improvement concentrated in the quality of their provision and wider aspects of their experience including reductions in harassment and sexual misconduct and improved mental health support. We would expect current and future

students to have greater confidence in the value of qualifications and their prospects for success beyond higher education. We expect students will experience reduced inequalities by background, location or characteristics in the way they progress to professional employment or postgraduate study, as providers take steps to address these issues. As a result of our focus on flexibility and diversity of choice, we expect that there will be a wider range of flexible and innovative opportunities on offer for students.

24. For society in general, we expect our proposals to lead to a number of benefits. These include greater confidence in the value of English qualifications, which will make it easier for employers to identify high quality job applicants. We also expect the quality of the labour supply to increase itself, beyond improvements to the signalling mechanism. The prospect of a transformational higher education experience will be accessible to more people. And the economy, nationally and locally, will benefit from all these factors, leading to further benefits to communities beyond direct participants in higher education....

**<https://www.officeforstudents.org.uk/media/852c25c2-bbed-444e-975c-9daac3e80858/consultation-ofs-strategy-for-2022-25.pdf>*

*The following extracts report a recent study of academic freedom in Britain by Karran et al. * - eds*

Abstract

Using comparable legal information, and empirical data from over 2000 members of the UK's University and College Union and 2000 staff in universities of the European states, gathered by means of similar surveys, this paper is a comparative assessment of the de jure protection for, and the de facto levels of, academic freedom enjoyed by academic staff in the UK, when compared to their EU counterparts. The paper examines the legal and constitutional protection for academic freedom and the current levels of, and changes to, the two substantive elements (freedom to teach and free-dom to research) and three supportive components (au-tonomy, governance and tenure) of academic freedom. The study reveals that UK academic staff believe that there is a low level of protection for academic freedom and that it has declined, both in general, and with respect to the two sub-stantive elements and three supportive components of aca-demic freedom. Similar trends are evident in the EU states, but statistical tests reveal that for every measure utilised, the decline in academic freedom is significantly greater in the UK than in the EU states.

The function of the 1988 Education Reform Act was to abolish tenure, enabling academics to be made redundant, and not to protect academic freedom. Hence Section 202 (2) (a) of the act was designed to en-able a right to a retrospective review for remedial redress by individuals who believed that they had been unfairly dismissed. In contrast to the Irish Universities Act, the 1988 Education Reform Act neither enables nor guarantees freedom for all other (non- aggrieved) members of the academic profession, in their scholarly activities of research and teaching.

It is evident that the UK follows an 'administrative tradition' differing from the Napoleonic, Germanic, Scandina-

vian, and other traditions, adhered to elsewhere in Europe. Bleiklie and Michelsen (2013) point out that while all of the latter accord prominence to the Rechtsstaat principle, according to which all law and regulation is deduced from, and justified in the light of, a supreme (written) Constitution, the essential characteristics of the 'English' system are those of a unitary (non- decentralised) state, following majoritarian (non- consensual) politics, in which the implementation of the law seeks to achieve fairness between various interests, but is essentially procedural and pragmatic in nature. Law plays a lesser role in this conception. These features, in combination, make the English system ideally suited to introduce sudden and comprehensive policy changes in any area of governance, including in higher education. Hence, no other higher education system in Europe has been able to pursue new public management (NPM) ideas as fervently as the English system. Yet, it should be remembered that NPM in many ways contradicts the idea of academic freedom. It underlies the erosion of academic freedom throughout Europe over the past 30 years or so as reflected in legal reforms undertaken (Beiter et al., 2016a). What is note- worthy is that the erosion is most explicit in the UK, while in many other European states supreme legal norms have been able to ward off in-roads far better. International law views academic freedom as a human right (Beiter et al., 2016b), binding also on the UK. The Council of Europe, of which the UK remains a member also post Brexit, stresses that academic freedom 'should ... be reaffirmed and guaranteed by law, preferably in the constitution' (Council of Europe, 2006, para 7). The reality is that if the modern state seeks to effectively guarantee human rights, 'in many instances legislation is highly desirable and in some cases ... indispensable' (UN Committee, 1991, para 3).

In sum, it is clear that the level of legal protection for academic freedom in the UK is deficient with respect to constitutional protection (either directly, or indirectly via freedom of speech) when compared to other EU states. Furthermore, the Act, which ostensibly offers legal protection to UK academics, is less detailed than that in other EU nations, does not appear to include teaching, and indicates that the academic

freedom of individual academics is derived from institutional autonomy, and hence limited to the context of individual academics' relationships with their employing institutions.

Given that UK academics have no job security, it is difficult to see what freedoms, if any, this deficient legal framework offers them in practice....

Questionnaire results

TABLE 6 Individual academic freedom for teaching has declined in my institution in recent years

Response	% EU 27	% UK
Strongly agree	6.1	14.2
Agree	18.5	28.9
Neither agree nor disagree	31.1	42.5
Disagree	33.4	11.2
Strongly disagree	10.8	3.0
All (n = 5028)	100 (n = 2822)	100 (n = 2205)

Note: $\chi^2 = 545.745$; 4 df. Significant at the 1% level.

TABLE 9 Self-governance has declined in my institution in recent years

Response	% EU 27	% UK
Strongly agree	11.4	33.3
Agree	23.1	28.3
Neither agree nor disagree	34.7	31.0
Disagree	22.7	5.9
Strongly disagree	8.0	1.4
All (n = 5027)	100 (n = 2822)	100 (n = 2205)

Note: $\chi^2 = 636.948$; 4 df. Significant at the 1% level.

*Karran, T., Beiter, K.D., and Mallinson, L. (2021) Academic freedom in contemporary Britain: A cause for concern? *Higher Education Quarterly* (in press).

Defining academic jobs

G.R.EVANS

Education Reform Act 1988 removed tenure from academics fortunate enough to hold a teaching-and-research post to retirement age, which was then the career norm in universities. The very proposal raised serious concerns in the House of Lords, with the result that a protection of academic freedom was built in. The relevant clause survives in the Higher Education and Research Act of 2017 s.2(8)(c).

Not clearly foreseen were the long-term consequences for the pattern of academic employment of removing the fundamental security of academic staff. Some consequences were the result of later Government direction and affected all universities, but in Oxford and Cambridge many consequent adjustments were made piecemeal internally.

By the 1990s there was already a considerable and growing proportion of 'research staff' on externally-funded contracts which normally terminated with the funding for the project in question. Oxford now distinguishes these from its 'permanent academic staff'. Oxford's Research Staff Hub, launched in April 2021 in order to offer comprehensive support to these staff, is still young. Nevertheless, it has published answers to some of the questions it has received. In response to a question about 'career prospects for researchers at Oxford' is an acknowledgement that only:

*'a very small minority move into permanent academic roles for the simple reason that the 'supply' of qualified, experienced research staff far outstrips the 'demand' within Universities for new professors or permanent lecturers (Oxford's turnover rate of permanent staff is just a few percent per year).'*¹

These are not the type of appointment to a permanent teaching-and-research post with which some of us were fortunate enough to begin our academic careers because, despite the series of Concordats to support the Career Development of Researchers² which began in 2008 in hopes of providing some career planning for them, there has not been a move to create more of such posts for contract 'researchers'. The result is a fundamental division of 'academic staff' (entitled in Oxford to the protections of Statute XII) from the 'research staff' (who are not), though they clearly stand as much in need of the protection of their academic freedom, as fought for in 1988.

Soon after the turn of the century, at Government insistence, Higher Education Role Analysis introduced an artificial comparability across the whole wide spectrum of employment roles in universities including Oxford and Cambridge.³ This 'grading' has not proved to be watertight in either Oxford or Cambridge.

Issues of the *Gazette* commonly include the names of new members of Congregation. That entitlement comes with grading as follows (but not automatically because 'assessment' may be involved):

*" all persons working in any university department or institution who hold posts on, or assessed as equivalent to, grades 8 and above."*⁴

In Cambridge too grading is not tidy.⁵ Grading will not work in Cambridge any more than it does in Oxford to impose consistency.

The developing Oxford situation

In Oxford the Personnel Committee was a creation of the North reforms,⁶ needed to take over some of the work of the abolished General Board. One consequence, the importance of which does not seem to have been recognised at the time, was that the authority to approve the academic promotions in the form of Recognition of Distinction passed from an academic-led General Board to a Personnel Committee now relying on a body of 'professional' Human Resources staff working in the UAS.

The Task Force on Academic Employment launched in the *Gazette* of 23 July 2008 was a continuation of the Task Force set up by Council in Hilary Term 2005 alongside the controversial proposals for governance change debated and eventually rejected. In April 2009 a Consultation was launched by the Task Force for Academic Employment on 'duties of academics' in a 'contractual framework'; 'organisation and delivery of academic duties in the collegiate university'; and whether there should be separate piece-rate payments for the supervision and examining of graduate students. Questions of this sort had barely arisen during the period when Parliament was debating the ending of academic tenure 1987-8.

In 2014 discussion began on changes to Statute XII. These resulted in the separation of the categories of employees and their protections in dispute situations, by restricting its application to matters where academic freedom was involved. For other cases a simplified process was provided, in which dismissal for disciplinary reasons or for physical or medical incapacity was to go to a new Staff Employment Review Panel (SERP). A new University Appeal Panel (UAP) would hear all dismissal appeals except those from the Visitorial Board, where appeal continued to lie to the Appeal Court. The new Panels were to be elected by Congregation and compose its members. Some concern was expressed when most members proved to be drawn at first mainly from among the academic-related administrators.

The Personnel Committee now has a role under Council in employing and dismissing 'staff', including academic-related and support staff. It defines the 'three main categories of academic staff' as Professors, Readers, Associate Professors or Lecturers' but there remain ways for allowances to be made for long-serving fixed term contract researchers to gain Congregation membership or USS membership. Senior academic-related staff may also be

able in principle to claim the protections of the stronger Statute XII provisions.

Statute XIV has become a catch-all provision for rules dealing with other fragmentations of the teaching-and-research career norm of 1988. Statute XIV, 15 also covers the normative retirement age for post-holders at Grade 8 or above, and the application of the EJRA.

An Employer-Justified Retirement Age policy was introduced from 2011 and proved highly controversial, with a five-year review and now a ten-year review needed as litigation began and has continued. It currently applies to all staff at Grade 8 and above. The introduction of the EJRA has thrown into view the lack of real certainty about the continuing existence of a post vacated under its requirements.⁷ Only a statutory Professorship is guaranteed continuation by carrying its permanent funding with it. Oxford's system of conjoint appointments creates further complications.

Comparison with Cambridge

Cambridge's recent problem with a disorderly proliferation of 'roles', titles and status among its employees is worth rehearsing for comparison. While Oxford has only a modest list of 'University Officers',⁸ Cambridge's 'University Officers' include all its teaching-and-research academics and its senior academic-related staff. These University Officers are 'established', that is, in posts which continue and may be filled when their holders resign or retire. Cambridge's 'research staff' are in unestablished posts and therefore do not have the protections brought in under the 1988 Act. Thus, while the holders of established posts have the rights of Cambridge's counterpart of Oxford's Statute XII, framed to ensure the protections of the Education Reform Act (1988),⁹ holders of 'unestablished' posts do not. If involved in 'discipline' or 'grievance' situations they are subject to a different set of procedures, along with the contract 'research staff'.¹⁰

Under Statute C, I (a) Offices are normally 'established' by Statute or Ordinance, which requires the consent of the Regent House by Grace. However, Statute C, I, 1 (e) allows for the possibility that Offices may be established by a 'competent authority' such as the General Board of a Faculty or Department. That has led to a multiplication of appointments, with unestablished ones sometimes replacing established posts. In the *Reporter* of 4 March 2021, attention was drawn 'to the growth in the number of unestablished roles, particularly in academic-related positions':

'Academic-related staff are increasingly being recruited on an unestablished basis, leading to a decline in the number holding established positions.'

Office-holders automatically have membership of the Regent House, but others remain subject to what are at present a series of changing rules about membership. The Cambridge Council recognises that this is unsatisfactory. It said in a Notice (*Reporter*, 3 November) that it had 'some sympathy with the view that a model based on roles would be preferable' in fixing membership of the Regent House, but, 'the proliferation of job titles has made such a model unworkable'.

Cambridge's Statute C covers University Offices and Employment in the University, with much detail for the

Offices and only a few sentences for other employees. The Offices remain by far the most desirable University posts and an appointee to a University Teaching Office is likely to receive overtures from Colleges keen to invite him or her into their Fellowship, with the University bearing the salary costs. Written contracts for University Teaching Officers were introduced only two decades ago, in the face of protest. Special Ordinance C (ii) (4) preserves the tradition of entry into Office:

'Unless it is otherwise provided by Statute or Ordinance, every officer shall be admitted to her or his office as soon as may be after the commencement of tenure by subscribing, in a book kept at the Registry, a declaration that the officer will well and faithfully discharge all the duties of the office, and by entering in the book the date of entering upon the office.'

It was successfully established that this was what counted and some of those promoted to higher Offices successfully refused to sign the contracts.

Cambridge has recently embarked on ambitious schemes to create career 'pathways' for its academic staff. The Academic Career Pathway launched in 2019 was intended to replace the ever-contentious Senior Academic Promotions procedure for promotions to substantive new Offices.¹¹ It was available to teaching-and-research Officers who already held an established post which supported their current salaries, with the number of promotions each year dependent on the availability of funding for the necessary salary top-ups.

HR published information on the future use of titles now allowing wider use of 'Professor', though with an adjective before it to show that the post was not a substantive Professorship. Only Professors on Grade 11 could be called 'Professor' (including Readers, with the title of Reader now abolished). Assistant and Associate Professors must be called 'Dr'.¹²

Following a route embraced by other British universities which have been offering teaching-and-research academics a choice between redundancy accepting a 'teaching-only' contract, Cambridge has launched an 'Academic (Teaching and Scholarship) Career Pathway', on which the academic is allowed to conduct only 'pedagogical research'.¹³ This was not a device for forcing such a choice, but a well-intentioned way of rewarding those Senior Lecturers whose interests lay in teaching rather than research.

In the same issue of the *Reporter* an Affiliated Titles Career Pathway was proposed, to meet the needs of College lecturers not holding University Offices, so as:

*'to reward those who make a substantial, significant or sizeable teaching or research contribution to the work of one or more University Departments or Faculties.'*¹⁴

However, even with all this well-meaning endeavour 'titles' are not a reliable means of classifying Cambridge's employees. In a footnote Council recorded that in December 2018, there were 'the following distinct titles currently in use (including minor variants of generic titles): 60 unestablished academic; 381 unestablished research; and 1,266 unestablished academic-related titles'.¹⁵ They are 'no longer a practicable means for identifying qualifying roles, as the number of individual titles has proliferated'. And 'further, many of those titles are not defined in the Statutes and Ordinances nor are they in common usage'.¹⁶

Conclusion

In both Oxford and Cambridge academic ‘titles’ have been adjusted. The title of Professor continues to be especially desired.¹⁷ In Oxford Recognition of Distinction does not create a substantive post, though there is now some salary enhancement. In Oxford other forms of ‘titles’ are on offer through the Development Office which is ‘happy to discuss the possibility of the naming of schools, institutes, posts or scholarship programmes where appropriate.’¹⁸ The White’s Chair of Moral Philosophy dates from 1621 but it is now to have its name changed to the Sekyra and White’s Professorship of Moral Philosophy, ‘endowed following a £2.8 million donation’.¹⁹ Whether Cambridge’s brand new ‘pathways’ through successive substantive posts will prove more successful than previous efforts to achieve fairness in the grant of Professorships remains to be seen.

Among the academic-related staff in both universities a proliferation of titles is to be found. In Oxford’s UAS (University Administration and Services) there are, for example, Directors and an Academic Registrar. The UAS was called ‘Central Services’ in the *University Bulletin* of November 15. Cambridge’s UAS (Unified Administrative Service) currently has seven Divisions, with an Academic Secretary and Assistant Registraries, some Principal or Senior, under its Registrary, a University Draftsman, and a variety of Directors holding University Offices. The University Advocate is an academic lawyer.

In other universities the disadvantages of fixed-term, externally-funded contracts have begun to extend to holders of permanent teaching-and-research contracts. A decade on, a consequence of the abandonment of the block grant in favour of the funding of undergraduate teaching chiefly from tuition fees has been serious financial uncertainty for some universities. Both Oxford and Cambridge universities have introduced schemes for paying additional emoluments to individuals for recruitment or retention purposes. In recent years there have been headlines about the consequent national trend summarised by UCU in its current call for strikes as ‘contract casualisation and rising job insecurity’.

This serious funding problem has not threatened their very survival, but both Oxford and Cambridge have begun to drift, as a consequence of the changes of the last two decades, further and further away from the norm that its academic core is formed of its teaching-and-research staff. Neither has looked that trend squarely in the face. The cost of bringing the short-term contract researchers onto the salary burden of either University would be too great. It is still not obvious what help Oxford or Cambridge can realistically offer their thousands of fixed-term contract researchers.

¹<https://www.ox.ac.uk/research/support-researchers/our-responses-questions>

²<https://www.vitae.ac.uk/policy/concordat>

³A new Pay and Grading Structure for academic staff was published in the *Gazette* on 12 July 2006

⁴Regulations of Congregation 2002, I (10).

⁵A recent correction to a published Grace noted that ‘in posts which are

currently ungraded or graded using a different system’ there are currently over 900 employees, *Reporter*, 17 November, 2021.

⁶Council Regulations 15 of 2002.

⁷A problem aired in recent litigation.

⁸<https://www.ox.ac.uk/about/organisation/university-officers>

⁹Schedule to Statute C.

¹⁰<https://www.br.admin.cam.ac.uk/policies-procedures/disciplinary-action-grievances-and-appeals-0/disciplinary-grievances-and-appeals>

¹¹*Reporter*, 15 May, 2019.

¹²www.br.admin.cam.ac.uk/changes-to-academic-titles-2021

¹³*Reporter*, 24 March 2021.

¹⁴*Reporter*, 24 March 2021.

¹⁵*Reporter*, 4 March 2021.

¹⁶*Reporter*, 4 March 2021.

¹⁷On Merit pay and titles, see *Gazette*, 10 October (2013).

¹⁸<https://www.development.ox.ac.uk/file/donate/recognition/Donor-Recognition-April-2020.pdf>

¹⁹<https://www.ox.ac.uk/news/2021-10-22-oldest-professorship-philosophy-renamed-after-400th-anniversary-donation#:~:text=The%20Sekyra%20and%20White%20Professor,moral%20philosophers%20in%20recent%20decades>

Rocks

Shaggy with grey
lichen or splashed as
bright as egg yolk;
plush viridian cushions
and stacks of broken plates.
Tidy brown loaves
or huge abandoned lorries;
piles of books you mean
to read. Tusks, totems, teeth.
Find a sculpted head
thrown right back in laughter;
two granite alligators
shoulder slowly from the sea.

Seaweed

With a flounce of satin
and a rustle on the pebbles,
the sea wears a gown
trimmed with green weed lace,
so each sweep of her skirts
scatters notions on the beach,
skilfully fashioned
by the twisting of the tide.

A hank of chenille
for the wind to crochet,
strings of dusky pearls
and fine amber beads.
Rusty sea flowers,
a posy for Miss Havisham,
silky dulse ribbons
to bind a dainty waist.

Wedding Album

Soft-voiced men in black
gentle us to the graveside.
On bright greengrocers' turf,
we huddle at the edge of
where she's waiting for him.
Our words, so carefully chosen,
do battle with a car alarm,
until a sudden silence
unfurls a banner of birdsong –
like the image, long cherished
in a whisper of tissue paper:
a sideways glance, in joyful
complicity, the bridal veil
fluttering out, exultant.

LOUISE WALKER

Louise Walker read English at Magdalen College and has been teaching English for over 30 years in girls' schools. Her poems have appeared in the Florio Society's anthologies (Sycamore Press) and *Second Place Rosette: Poems About Britain* (Emma Press).

Moneyboy Hungry

I thought upon
my amputation

I would take my body part
home.

Thought I'd pray
for the last time
before the switchblade
flicks. God, I thought

I
would be the one who would be
doing the world undone,
kiss the silver lady's lips,
suckle daily on her tongue.

But Mama told me I'm a street boy, wild-eared,
hollow horned
tragic-hero-moneyboy-hungry
you, crawl these streets,
these unhomed oceans,
you suck your ash-blood bone.

MAI SERHAN

Mai Serhan is a writer and translator. Her writing has appeared in *Anomaly*, *Oyster River Pages*, *Flash Fiction Magazine*, and elsewhere. She is an Oxford-BNU Award nominee and the winner of FH Pasby Prize for the year 2021.

Precautionary Self-Aggrandizement

PETER OPPENHEIMER

The ruling clique is evidently feeling a bit nervous. The present Vice-Chancellor demits office at the end of 2022. The Selection Panel to determine the succession, chaired by Chancellor Lord Patten, issued a general invitation at the end of September inviting opinions on how the post should be filled. Were the post in its present shape to be partially dismantled, there would doubtless be consequences for other, associated offices. And some highly paid incumbents have safeguarded their positions well in advance.

On Monday 15th November the University was informed that “Council had approved” the extension of three high-level appointments for a further period of *five years* (italics added). The periods of office of Messrs. Screaton and Prout, respectively Division Head of Medical Sciences and Pro-Vice-Chancellor, Planning and Resource Allocation, were each extended until 2027 – from 2022 onwards, obviously; and that of Martin Williams, Pro-Vice-Chancellor, Education – until 2028. In each case this will forestall any speedy change in the occupying persona or indeed in the existence of these positions by the incoming regime.

Nor are they alone in giving thought to the next several years. A mere 48 hours earlier, on Saturday 13th, a conversation which the Vice-Chancellor herself had seen fit to conduct with Clive Cookson, a *Financial Times* correspondent, appeared in the week-end pages of that newspaper. Plainly, in this instance it was a question not of prolonging tenure, but of reaching out to spectators on the eve of her new appointment to the Carnegie Corporation of New York. As described by Mr. Cookson:

“We are talking in the vice-chancellor’s splendidly spacious office in the neoclassical Clarendon Building, in the ancient heart of Oxford, with a view of the old Bodleian Library from the large main window. Her immediate predecessors had worked in modern university offices opened in 1975 half a mile away in Wellington Square, which Richardson describes as ‘a very functional building...like going into any building in any industrial estate in eastern Europe. I felt too removed from the life and soul of the university. I wanted to be in the thick of things,’ she said. So she persuaded a university donor to pay for the refurbishment of what had been the robing room for academic ceremonies in the Sheldonian Theatre next door, to become her headquarters.”

It would have been a lot cheaper, and probably conducive to more appropriate headship of the University, if the Vice-Chancellor had remained in Wellington Square and bought herself a photograph of the Old Bodleian to hang on the wall. Amusingly, the title of Clive Cookson’s report is “Oxford’s vice-chancellor on the subtle science of crisis management”. Amusing, because the conduct in question – shades of Voltaire – has been neither subtle, nor scientific, nor confined to crisis management.

The Covid paraphernalia of Silver and Bronze groups, far from constituting a creative temporary substitute for the University’s pre-existing governance mechanisms, has merely reinforced the *modus operandi* developed over the previous twenty years. The North reforms of 1999 unwittingly

abolished the academic community’s control over the size and activities of the central administration. The latter responded by grossly over-expanding its own staff numbers and by proceeding largely to eliminate participation of the academic body in the University’s governance. This has been achieved in two main ways. First, by keeping the academic community in ignorance of plans and projects until they are effectively launched. The most flagrant example to date is probably the creation of Parks/Reuben College; but the principle is widely applied to building schemes and to so-called strategic planning.

Secondly, by maximising administrative invasion of the academic sphere. This covers both systematic pressurizing of academic personnel through so-called “performance management” (rewarding successful solicitation of outside grants; discouraging major focus on teaching and examining; enforcing retirement dates) and also encroaching on academic infrastructures, whether of departments and faculties or of colleges. Among domains selected for such control are undergraduate admissions, student welfare, “decolonising” the curriculum, and – again – criteria of examination and assessment, which of course have plummeted.

The Covid pandemic has brought exacerbation of already existing trends. The administration’s current (2019-23) Strategic Plan refers explicitly to the goal of “diversifying” assessment methods. The “subtle science of crisis management” has now been used, not to suspend or abrogate examinations – which would have been the proper thing to do – but to hasten erosion of standards both by introducing so-called “open-book” exams and by allowing candidates increasingly to invoke “mitigating circumstances processes” in order to get weaknesses of performance disregarded.

It must be said, in conclusion, that Clive Cookson is misleading when he remarks that Oxford’s Vice-Chancellor is “in effect the institution’s chief executive, though no-one in academia would dream of using that term.” Both halves of that statement are, as a matter of fact, incorrect. In some academic contexts the designation chief executive, or director, is entirely appropriate. Where, for example, the institution is highly specialised – like the Francis Crick Institute in London (formerly, the UK Centre for Medical Research and Innovation); or a typical Conservatoire; or a School of Art. More obviously, the term is applicable to institutions charged with making a financial profit for shareholders.

In a university like Oxford the analogy is false and the designation misguided. There is no duty to shareholders by reference to which financial health can be measured; and the range of activities covered – quite apart from the statutory autonomy of the great majority of Oxford colleges – means that no one individual is qualified to take decisions governing the overall direction of institutional development. An Oxford Vice-Chancellor should be responsible for ensuring that the teams which do take such decisions are properly representative of the University

and are of sufficient breadth and calibre. The role is one of non-executive chairmanship.

Oxford's present (post-North) constitution makes it virtually impossible for any Vice-Chancellor to fulfil such responsibility. And the University's overall development has consequently been opportunistic, undemocratic and

frequently blinkered – for example, in favouring immediate celebrity over fundamental and long-run purposes. How Oxford serves the Vice-Chancellorship is clear enough. The question for Lord Patten and his committee is how to ensure that future Vice-Chancellors may once again serve Oxford.

Ode to COP26

Will we cop on, or will we cop out?
Will we be aware, or will we be evasive?
Will we face reality, or will we ignore it?

One degree warmer since pre-industrial times:
More intense storms. Blazing wildfires.
Longer droughts. Exceptional floods.
Have we copped on?

One point five degrees, the COP21 Paris goal:
Increasingly extreme weather.
Fiercer conflagrations. Extreme droughts.
Rising sea levels. Natural habitat disruption.
Are we copping on?

Two degrees of warming:
A non-linear effect. Disastrous repercussions.
Devastating droughts. Ice-free Arctic summers.
More solar energy absorbed. Powerful firestorms.
Crop yields fall. Increasing starvation.
We will have not copped on.

Three degrees or more of warming:
Unknown and uncertain consequences.
Uncontrollable, irreversible climate change.
Expanses of farmland inundated by rising oceans.
Permafrost thawing with greenhouse gases, toxins, and
microorganisms released.
Calamitous effects on human health. Societal breakdown.
Security threats.
We will have copped out.

The way is hard, and the way out is not easy.
We may seem frail, but we must be strong.
We are fearful, but we must be brave.
We may feel powerless, but we must be unflinching.
We can disagree, but we must talk without bitterness.
We have our own interests, but we must work for the
common good.
We must share the responsibility for the legacy to our
children, to future generations, to all our kith and kin.

Will we cop on, or will we cop out?

MICHAEL HITCHMAN

Michael Hitchman gained his DPhil from University College and the Physical Chemistry Laboratory, going on to a Junior Research Fellowship at Wolfson and a series of positions in academe and industrial research. He is a Fellow of the Royal Society of Edinburgh and Emeritus Professor of the University of Strathclyde.

'Everybody sang'

Margaret Fay Shaw, Gaelic folk song collector

Yes, I know we cannot go back –
when what you had might be the use of
a croft with byre and kiln,
a strip of land for barley, potatoes
a shared boat
and what you could count your own
was the shirt on your back
a milk cow, creel
and yes, I know there was hardship
hunger, sickness – and yet,
and yet, didn't we lose something
along the way, call it simplicity,
call it dwelling, call it singing

Seabirds

When her boat was becalmed
(St Bride, bride of the isles,
The Hebrides)
the oystercatchers came –
they flapped their wings until the sails filled
and billowed, until she could
return safely to shore
where a party of sandpipers
and sanderlings
were waiting for her

SUE LEIGH

Sue Leigh's second collection of poems, *Her Orchards*, has recently been published by Two Rivers Press. Her first book, *Chosen Hill*, was described by the *TLS* as 'an intelligent and considered collection that pays homage to the act of paying attention'. Her work has been published in magazines and journals including *The Spectator* and the *TLS*.

REVIEWS

Happy rural seat

Clive Aslet, *The Story of the Country House: A History of Places and People* (Yale University Press, 2021). £18.99.



Clive Aslet is in a good position to write about the country house, since he was the editor of *Country Life* from 1993 to 2006, and is the author of many studies of the subject. *The Story of the Country House* is an excellent survey, covering buildings and the life lived within them. It is often witty, and he has a good eye for the picturesque detail, such as the 3rd Duke of Argyll, who was in such a hurry to get away from the 1745 Rebellion that the friction set fire to the axles of his coach, William Beckford, who employed a dwarf to open his front door, so that it should seem even bigger and the 2nd Lord Faringdon's friends, who set the Thames alight with sixteen gallons of petrol in 1927, to celebrate his imminent wedding to Honor Philipps.

The main problem with it, though, is that it is insufficiently illustrated. Prose descriptions of houses only take one so far, and most readers will often have no sense of what he is talking about. Mark Girouard's sumptuous *Life in the English Country House* (1978), say, is a much more delightful proposition. I see this book as a pitch for a television series, dominated by actual images, and if Aslet appears in person one hopes he will not block the view too often or wave his arms about as much as Andrew Marr, and also that we shall be spared too many talking heads. Better not to have any at all, until we get to the present day, when we might want to hear about the tribulations of large house ownership. A good project for the BBC, although the suits there probably won't have the nous to take it on.

This book is very up-to-date, since it considers the impact of the Covid crisis. Single mothers with three children trapped in small flats for months responded to the crisis differently from those living on vast estates where isolation was easy. This touches on a theme that runs through the book, the contrast between country houses as on the hand public centres of administrative life, and on the other places of private retirement. Aslet also considers the baneful current cancel-culture, in which the country house is likely to come out badly. His take on the subject is very judicious and well put:

'The past', as L.P. Hartley famously wrote, 'is a foreign country. They do things differ-

ently there.'Before passing judgement on men and women who lived prior to our own, should we not pause to reflect on the globalised economy of today? Jane Austen's England did not morally confront the source of its sugar (West Indian plantations run by slaves) which seems unforgivable; but how many people in our own age can be sure that the conditions in which the rare materials needed for electric car batteries are mined, cheap garments made or part of their mobile phones produced? Slavery 'exists in the supply chain of nearly every business', according to the investment managers CCLA. The past may not be such a foreign country after all.'

Yes, Jane Austen's England did not, for the most part, morally confront the sources of its sugar, although Jane Austen herself was sufficiently sceptical in *Mansfield Park* to understand that Antigua made privilege and comfort in England possible, and the anti-slavery movement was underway in 1800. Cancel-culture is now extending to utterly barmy areas. Wisteria and plane trees are supposed to be indicative of wicked colonialism. Even those with Guardianista consciences might think this is a step too far. Are we to uproot them all and confine their names to an amnesiac dustbin? Dear God, *le wokisme* is even taking root in France.

Country house life offers us a sort of unattainable dream, unless we are hedge-fund managers or successful pop singers. Aslet writes: 'In the novels of Henry James, the country house evokes an ideal state of human existence which after centuries of evolution, has reached a level as close to perfection as it is possible for mortals to achieve.' Looking outside his novels one finds some confirmation for this, as in this letter to Jessie Allen:

'How you keep it up, and how exactly you lead that life that, long years ago, when I was young, I used to believe a very, very few fantastically happy mortals on earth could lead, and could survive the bliss of leading – the waltz-like, rhythmic rotation from great country-house to great country-house, to the sound of perpetual music and the acclamation of the 'house parties' that gather to await you.' (19 September 1901)

However, James was sufficiently sceptical to see that this was not the last word. After all, in *A London Life* the decorations consisting 'of slim festoons, urns and trophies and knotted ribbons, so many symbols of domestic affection and irrevocable union' preside over a family which is falling

apart, and in *The Golden Bowl* Fawns, in Kent, is the setting for nightmarish psychological drama. *The Turn of the Screw* is a classic tale of horror which unfolds behind an apparently serene façade. When filmed recently it was shot at Brympton d'Evercy in Somerset, appropriately with a Classical façade on one side and a Gothic one on the other. It is worth remembering that the board-game Cluedo, in which murders have to be solved, was invented in a mock-Tudor country house – Tudor Close near Rottingdean. Was it Miss Scarlett what done it?

James grew tired, eventually, of what he called 'gilded bondage', and found the opportunities for boredom and irritation in the houses endless. He thought the natives themselves were often bored too, and one wet Sunday, dropping in on a house near Much Wenlock, found a couple in a Chekovian state of intense and paralytic ennui. Edith Wharton loved the privileged life as much as the next person, but she had a negative experience on a visit to Cassiobury House visiting Lord and Lady Essex, where 'the very flower and pinnacle of the London world' was gathered. But everyone was 'so exhausted by the social labours of the last weeks... that beyond benevolent smiles they had little to give.' She remarked to her husband that 'meeting them in such circumstances was like seeing their garments hung up in a row, with nobody inside.' (*A Backward Glance*). Cassiobury, lovingly depicted by Turner, was demolished in 1927, although the magnificent staircase was shipped out to the Metropolitan Museum in New York.

The physical presence of the country house seemed to demand high life to go with it, but there were often fallings off. Anyone remember the violent indoor rugby game in Joseph Losey's *Accident* (1967) taking place in the civilized Robert Adam hall of Syon Park, with a copy of the Dying Gaul supervising the scene? Dirk Bogarde as a don participates. Byron might have said, 'there were his young barbarians all at play.'

Opposition to and reservations about the country house remains in our time, especially as regards the monstrosities. Stephen Bayley has an ill-tempered article in which he says we should make no effort to retain the grotesque Kimmell Hall in Den

highshire. This was the kind of house that had a special room dedicated to ironing *The Times*. Opposition sometimes flares up, as when moat-owning aristos were discovered using public money to maintain them. The notorious iconic duck-house incised itself for ever on the collective cortex. Some left-wing politicians have been very vindictive, wanting to do away with the dwellings of nabobs, and private schools too while they are at it. The spiteful Emanuel (I refuse to call him Manny) Shinwell wanted an open-cast mine to run up to the very front door of Wentworth Woodhouse. But it is not as simple as that. Aslet points out that Labour, as the party of high spend, provided generous grants for country houses, whereas 'to the Tories, private property was primarily the responsibility of its owners.'

Functions were found for some of them. Hewell Grange near Bromsgrove became a Borstal, Hill Hall in Essex, once welcoming Sargent and Rodin, a prison. Christine Keeler spent some time there, in an environment different from Cliveden. Many became hotels or lunatic asylums. Welcombe Manor near Stratford is so indecently vast that it only makes sense as a hotel. Some became schools; Evelyn Waugh taught in one at Aston Clinton and found it 'ugly'. Still he made up for it later on when he bought the charming Combe Florey (Somerset), and was able to live the dream. It is now on the market for £5.5 million.

He had known what it was to be down and out, living in Beckley, just after he left Oxford, in a caravan with his boy-friend. A leaky caravan moreover. This boyfriend came from Barford House, near Shipston on Stour, and the house provides elements for *Brideshead*, although it is relatively modest, especially by comparison with Castle Howard, which is the location for both film versions. Madresfield Court (Worcestershire) also provided elements, especially the chapel, which causes Charles Ryder to say 'Golly!' when he sees it. Waugh gives short shrift to Mrs Beste-Chetwynd's Modernist country house King's Thursday in *Decline and Fall* designed by Professor Silenus who requires 'the elimination of the human element from the consideration of form.' The loss and survival of country houses is the subject of Adrian Tinninwood's recent *Noble Ambitions: The Fall and Rise of the English Country House after World War II* (Cape).

Ostentation has tended to have a bad press in literature. Ben Jonson speaks approvingly in 'To Penshurst' of a relatively modest place (the Lisles couldn't afford anything bigger) and Pope is very dismissive of vast estates in his 'Epistle to Burlington'. Brobdiagnagian is the word that springs to his

mind. Tennyson would probably be relieved to learn that the enormous neo-Gothic Bayons Manor in Lincolnshire, built by his upwardly mobile relations, was demolished in 1964; it doubtless influenced the 'gewgaw castle' in *Maud*, 'built last year'. It came with moat, drawbridge and portcullis. His 'The Palace of Art' is an indictment of sumptuousness, and the owner sickens and retires to a 'cottage in a vale', as a number of aristocrats have done in actuality.

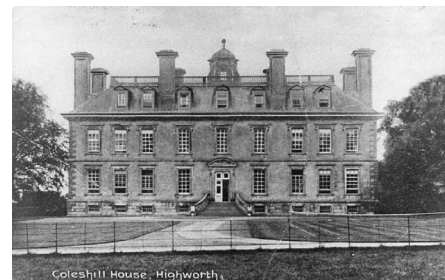
This is a vast subject, and Aslet cannot be expected to cover it all. Many readers though will regret the omission of some house they know. So no completely delectable Moreton Old Hall in Cheshire, no Montacute. I should have thought there ought to be a place for Garsington Manor, since it played such an important part during the First World War for conscientious objectors, and Lady Ottoline Morrell invited a wide range of luminaries, including Aldous Huxley, D.H. Lawrence, W.B. Yeats, T.S. Eliot and many others. (Turn left at the Cowley gasometer). She was a prodigious taker of photographs and L.P. Hartley appears in many of them. Lawrence's response to Garsington, in a letter to Cynthia Asquith of 9 November 1915, is a moving elegiac piece on the State of the Nation, and the place the country house occupied:

'When I drive across this country, with autumn falling and rustling to pieces, I am so sad, for my country, for this great wave of civilisation, 2,000 years, which is now collapsing, that it is hard to live. So much beauty and pathos of old things passing away and no new things coming; this house - it is England - my God, it breaks my soul - their England, these shafted windows, the elm-trees, the blue distance - the past, the great past, crumbling down, breaking down, not under the force of the coming birds, but under the weight of many exhausted lovely yellow leaves, that drift over the lawn, and over the pond, like the soldiers, passing away, into winter and the darkness of winter - no, I can't bear it. For the winter stretches ahead, where all vision is lost and all memory dies out.'

It's surprising that Highclere castle is not squeezed in (the setting for *Downton Abbey*), since Julian Fellowes is quoted on the book jacket. No Mentmore, no Waddeston, examples of what Osbert Lancaster called 'le style Rothschild'. I should like to have seen Clouds (Wiltshire), designed by Philip Webb, outside main-line architectural traditions at the time and appropriately a home for gatherings of The Souls. It's now a drug-rehabilitation centre. There's no Deepdene (Surrey), Thomas Hope's important early nineteenth century house, demolished in 1967.

The book is thronged with ghosts – houses that have disappeared or been altered beyond recognition. Aslet writes that

the deep past can be more 'than a ghostly, indecipherable smudge.' The disappearance was particularly registered in a 1974 exhibition, which led to *The Destruction of the Country House*. Roy Strong watched 'the tears stream down the visitors' faces.' And indeed the process of destruction was an indication of some kind of cultural malaise. Some were lost to fire – such as Coleshill House (Berkshire) in 1952. This was built under the aegis of one of Aslet's heroes: Inigo Jones. It's heart-rending looking at the photographs of what has been lost. There's a full description in Henry Avray Tipping's *English Homes: Late Stuart, 1649-1714* (1929) (not in the bibliography).



Coleshill House, Highworth, Berkshire.

Still, there have been heroic attempts to retain them and in some cases rescue houses from complete ruin. The ruined Allington Castle in Kent was turned into a liveable house by Lord Conway. Wenlock Abbey in Shropshire was made habitable, and impressed Henry Adams when he visited it in October 1864. He wrote that 'the winds of heaven permeated freely', and in *The Education of Henry Adams* concluded that the experience fitted him to be 'an ecclesiastic, and a contemporary of Chaucer.' When I was at school I witnessed a bold rescue, as the medieval West Bromwich Manor was released from its carapace of coconing brick. I'd cycle over on free afternoons and sketch work in progress, wearing no hard-hat of course.



Pulling the timbers into place. West Bromwich Manor circa 1958. Sketch by Bernard Richards



West Bromwich Manor in its cocoon of brick. Circa 1958. Water-colour by Bernard Richards



Bernard Richards. Artist's impression of what West Bromwich Manor would look like when restored.

Adaptation of the structures to modern life proves difficult, especially if one wants to make the kitchen the heart of the house. In former times kitchens were banished to the remotest regions. Now they are able to host cronyism and entitlement in full whack: witness David Cameron and Rebekah Brooks's kitchen supper (or country supper), which evinced a resounding collective 'Pshaw!' when the news broke. Country houses are often a headache to run. The Countess of Mansfield recently said, 'The only time you relax is when you drive down the drive to go on holiday. Otherwise you're living above the shop, all the time.' The 'shop' being Scone Palace. Many a laird must recall MacNeice's 'Bagpipe Music' as he listens to the relentless drip drip of water into buckets: 'The glass [the barometer that is] is falling hour by hour, the glass will fall forever, / But if you break the bloody glass [sorry for the language] you won't hold up the weather.'

Aslet does not go into the world of Pop stars, but they have been among the relatively few people able to afford the purchase and upkeep of country houses. One thinks of the Rolling Stones drummer, the aesthete Charlie Watts, who bought Foscombe House in Gloucestershire, and George Harrison of The Beatles, who bought Friar Park (Crackerbox Palace) near Henley, which came with a large-scale model of the Matterhorn. Not even Blenheim has one of them. Paul McCartney bought the appropriately named and modest Mull of Kintyre. John Taylor, the bass player of Duran Duran, bought South Wraxall Manor, which featured in Dan Cruikshanks's *The Country House Revealed* (2011) (not in the bibliography). Top-division footballers can afford country

houses. David and Victoria Beckham were thinking of buying Abbotswood near Stow-on-the-Wold, remodelled by Lutyens, but thought better of it. Wayne Rooney has been building a £20 million pad in Cheshire.

Country houses have been venues for monster pop concerts, one thinks of Knebworth and Cornbury Park near Oxford. Longleat famously hosted the Rolling Stones in 1964. And pop stars sometimes use the houses for videos. Oasis took over Stocks House (Hertfordshire), once owned by the novelist Mrs. Humphry Ward, and plunged a Rolls Royce into the swimming pool, just a few yards from where she and Henry James were photographed in earnest conversation – over the craft of fiction perhaps, or the propriety of owning a large house. Aslet quotes Lady Tranmore in Mrs. Ward's *The Marriage of William Ashe* (1905) expressing guilt to her spoilt daughter-in-law Kitty: "We shall soon all of us be ashamed of this kind of thing. Just as people now are beginning to be ashamed of enormous houses and troops of servants. Well, this way will die out. The cost of it is too scandalous – people's consciences prick them." This is at an elaborate fancy-dress ball, which is reminiscent of the Duchess of Devonshire's famous (or should that be notorious?) ball on 2 July 1897. 'Kitty vowed she did not believe there was a conscience in the room.' Later on Kitty writes a frank book called *Politics and the Country House*, which sets the cat among the pigeons. By a just irony William Kent's Devonshire House in Piccadilly, as Aslet notes, was demolished in 1924, prompting an acerbic monody from Siegfried Sassoon, who sees it as part of the 'mammoniac' fabric of London.

The car in the pool is a recurrent topos in modern culture. Jeremy Clarkson drove one into a pool in Chipping Norton, and a Cadillac drowns in the swimming pool at the medieval Long Crendon Manor in *The Axeman Cometh*, an episode of *Midsommer Murders*. The last scene in the video of 'Our House' by Madness was also shot at Stocks. Their lead singer, Suggs (Graham McPherson), had his Rolls Royce driven into a swimming pool when he lost a bet. Wrest Park (Bedfordshire) was the location for Lily Allen's video of *The Fear*.

*'I wanna be rich, and I want lots of money,
I don't care about clever, I don't care about
funny.
I want loads of clothes and fuckloads of dia-
monds.
I heard people die while they're trying to find
them,
And I'll take my clothes off, and it will be
shameless,
'Cause everyone knows that's how you get
famous.'*

Wrest (in a former incarnation) was the subject of an early country-house poem by Thomas Carew ('To My Friend G.N. from Wrest' (1639)), celebrating a house which, like Penshurst, enjoyed 'usefull comeliness' rather than 'envious show'. G.N. was possibly Gilbert North.

Country houses are used for filming costume dramas, reminding us of the kind of authentic life that took place in them. Loseley Park (Surrey) for *Sense and Sensibility* (2008) and *Emma* (2009), Montacute House (Somerset) for *Sense and Sensibility* (1995), Burghley House and Groombridge Place (Kent) for *Pride and Prejudice* (2005), Firle Place (Sussex) for *Emma* (2019), Heale House (Wiltshire) for *The Portrait of a Lady* (1996) – augmented by Detmar Blow, Isabella Blow's grandfather-in-law. *The Draughtsman's Contract* (1982) was shot at the moated Groombridge Place, a house Vita Sackville-West toyed with buying, and immortalised in *The Heir* (1922). Some of *Wolf Hall* was shot, anachronistically, at Montacute. Clandon Park (Surrey) was the location for *The Duchess* (2008), and this is especially poignant, since it has recently been burnt down, and what it was like is preserved in precious scenes. Ambitious attempts have been undertaken to recreate authentic period lives in country houses, such as the television series *Regency House Party* (reviewed in *Oxford Magazine*, No. 226 Trinity Term, 2004), shot in a de-modernised Kentchurch Court in Herefordshire.

We are lucky living in Oxford, since there are plenty of country houses nearby, including the delectable Chastleton, described by Aslet as 'the most complete Jacobean house' that has come down to us. *The Duchess of Malfi* was filmed there in 1972, reminding us that John Webster had England in mind as much as Italy when he wrote the play.

Many of the houses near Oxford have interesting associations, such as Ashdown House, associated with the Winter Queen of Bavaria. Middleton Park is associated with Cary Grant's wife Virginia Cherril and Haseley Court is associated with the decorator Nancy Lancaster. Ditchley Park has a distinguished history; Aslet records the visit of Elizabeth I, and during the Second World War it hosted important visits by Winston Churchill. Roger Fry has a landscape painting of the view from Newington House.

Oxford readers will recognise that the country house relates to the architecture and even the social arrangements of the colleges. Knole, with its gatehouse and courtyard looks like an Oxford college, and an Oxford college looks like Knole. Before the plaster barrel roof was installed in the hall of my college the heating was provided by a

central hearth, the smoke escaping through a lantern in the roof – the arrangement in many medieval country houses. The master of the house dined on a dais, as in Oxford colleges, although no one sat with backs to the main hall, since that was the side from which serving took place.

Country houses are still being built. Aslet cites Ardfin on the island of Jura, which has, in addition to a four-thousand wine cellar and cigar cave, a ceilidh barn. One thinks of Louis MacNeice's 'Bagpipe Music': 'It's no go the gossip column, it's no go the Ceilidh, / All we want is a mother's help and a sugar-stick for the baby.' One thinks of Brecqhou Castle, just off Sark, built by the Barclay brothers, an entirely monstrous affair. Aslet's tastes are more catholic than mine, but confronted by the Ghost House in the West Midlands, all below ground, in which 'dynamic and brutal spaces that challenge the very existence of a house are created' all he can say is, 'Heavens'.

Follies are being built too. One particularly attractive one was built for Nicholas

Coleridge (Chairman of the Victoria and Albert Museum) by Quinlan Terry, near Pershore, so that he can experience views of the coloured counties and summertime on Bredon. One does find oneself asking, 'how much?' This is in the tradition of banqueting houses, of which a superb local example is a pair in Chipping Camden (the house itself has gone, destroyed during the Civil War). It is possible to stay there under the aegis of the Landmark Trust, who put it in good order in 1987. Terry's design was influenced by the banqueting hall at Long Melford.



The Southern Banqueting House, Chipping Camden. Photograph by Bernard Richards

Any reader of this book will learn something new. Aslet has an interesting re-eval-

uation of James Gibbs (1682-1754), for instance – he it was who designed the Radcliffe Camera. There are architects I have never heard of, with names that could have been invented by Wyndham Lewis, such as Blunden Shadbolt (1879-1949) and Charles Henry Biddulph-Pinchard (1876-1944). Just shows my ignorance. He devotes a page to billiards and billiard tables. I discovered that I have possibly been under a misapprehension all my life, believing that when Shakespeare's Cleopatra says 'let's to billiards' she was thinking of something like the Crucible Theatre in Sheffield. Turns out that billiards in 1600 was also an outdoor game, like croquet – although *The Oxford English Dictionary* does not enlighten us here. Pace Aslet, who says it became a table game in the seventeenth century, it could be an indoor table game in the sixteenth century – Mary Queen of Scots had a billiard table, and her body is said to have been wrapped in the cloth torn from it. Who knows whether billiards existed in ancient Egypt.

BERNARD RICHARDS

Very great Wokery

Sir – At a time of very great Wokery and as Oxford seeks to Decolonise this & that, while also we aim at the fullest possible socio-economic Diversity in our student intake as well as maximising Inclusiveness across our staff profile, I suggest we 'decolonise' the University Diary.

The entry for 30 January has recorded against it the mournful entry: 'Charles I, King and Martyr'. Does this imply the University rather regrets his rather dire 'cancellation' as a vital step in the creation of our

TO THE EDITOR

parliamentary democracy with its constitutional monarchy and would rather we had stuck with absolutist monarchy?

Surely some Ethics Committee or Vetting Panel should be scrutinising this entry?

Over in Cambridge as the Cromwellian University does the equivalent Diary have a celebratory entry 'Charles I, Beheaded'? – we should be told...

The University must take prompt action lest anybody spotting this entry in the Diary takes 'offence' and suffers 'harm' – not least since the Diary lacks any 'trigger warning' prior to reaching 30 January.

Yours sincerely

DAVID PALFREYMAN

New College

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